

MAY 04 2006

AUS920030326US1

10/606,683

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hughes, et al.  
Serial No.: 10/606,683  
Filing Date: June 26, 2003  
Group Art Unit: 2645  
Examiner: Gerald Gauthier  
For: METHOD FOR PERSONALIZING  
COMPUTERIZED CUSTOMER SERVICE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## RESPONSE

Sir:

Applicants propose no changes to the above identified application. Rather, they argue for patentability over the references cited and applied by the Examiner in his office action mailed January 4, 2006.. A clean copy of the claims, with status identifiers, is herewith included.

The Examiner first rejects independent claims 1, 4, and 10 under 35 USC 102 (b) in view of US Patent 6,321,188 B1 to Hayashi et al. (Hayashi). Applicants traverse because the reference neither teaches nor suggests the invention described in Applicants' claims. Applicants' claim in question describe a method, an apparatus and a computer program product for improving/ enhancing user satisfaction with an automated computer system by ascertaining user language usage preferences, creating a user profile and then applying that profile to modify subsequent presentation to that user.

Hayashi discloses apparatus for language translation, ABSTRACT. While provision is made for different languages selectable using buttons 16, Fig. 2, into which a user chosen phrase may be translated and communicated. There is no teaching of making a user profile and using it to modify subsequent presentations to the user. Hayashi has stored sets of phrases in each language, col. 2, lines 58-62.

The present invention, as claimed, enables a user to indicate language usage pattern preferences and thereafter have information presented using those preferences. This

Response to January 4, 2006 Office Action May 4, 2006

Page 1 of 7

AUS920030326US1

10/606,683

feature of taking user input, analyzing it and using the results of the analysis to modify subsequent presentations to the user is not found anywhere in Hayashi.

The Examiner in rejecting claim 1, refers to Hayashi col. 10, lines 20-27 for disclosing Applicant's 'interactively ascertaining ...' step of claim 1. That part of Hayashi simply describes two apparatuses in communication with each other, one with Japanese selected and the other with English selected. It will be recalled that Applicants' invention may find utility in a situation where a user speaker of a language would be comfortable using an automated system employing that user's language usage pattern, Specification page 2, lines 3-15. On its face the reference deals with different languages with no discussion of a given user's preferred nuances of usage.

The Examiner then refers to Hayashi col. 10, lines 37-45 as showing Applicants' 'creating a user profile ...' step. Again Applicants disagree, finding that the pertinent section of the reference talks about user selection of a phrase, not anything being done within the apparatus to tailor subsequent presentations to the user.

In a similar manner, the Examiner refers to the paragraph at col. 10, lines 46-55 for showing Applicants' applying and presenting steps. Applicants traverse this assertion as well since Hayashi speaks only of how transmission may take place in response to user action.

Since Applicants traverse the Examiner's position with regard to claim 1, it follows that the rejection of claims 4 and 10 using the same parts of Hayashi is also traversed. Further, the Examiner asserts that Applicants' 'means for storing' in claims 4 and 10 is shown at col. 11, lines 15-28 of Hayashi. This is not so. As there is no Hayashi equivalent to Applicants' 'means for analyzing ...' in order to ascertain user language usage preferences to build a user profile, there can be no means for storing what does not exist.

The Examiner then rejects under 35 USC 103(a) Applicants' dependent claims using various combinations of references, each combination including Hayashi. Applicants traverse all these rejections because of their interpretation of Hayashi.

Applicants agree that US 2002/0152244 A1 to Dean et al. (Dean) does disclose use of a Web browser. However the combination of Hayashi and Dean does not teach or suggest Applicants' features included in their claims 2, 5, and 13. Applicants point out their invention may be implemented on an interactive computer system which comprises a Web browser. Neither Hayashi nor Dean, together or separately, disclose a method, apparatus or computer program product for enhancing user satisfaction with an automated computer system as Applicants claim.

The Examiner next rejects Applicants' claims 3, 8, 9, 11, and 12 using Hayashi in combination with commonly assigned US Patent 6,584,180 B2 to Nemoto (Nemoto). Applicants agree with the Examiner that Hayashi fails to specifically disclose a

Response to January 4, 2006 Office Action May 4, 2006

Page 2 of 7

## BEST AVAILABLE COPY

AUS920030326US1

10/606,683

telephonic response system including voice recognition and generation functions. Applicants agree that Nemoto discloses those functions. Applicants' for the reasons stated in traversing the 102 rejection maintain that adding that feature to Hayashi does not yield anything like the present invention.

The Examiner uses Hayashi, Dean and US 2004/0030557 A1 to Culy et al. (Culy) in asserting the obviousness of claims 6 and 7. First Applicants again point out that Hayashi does not deal with a user's pronoun preferences. Hayashi, Applicants agree, does not disclose the elements described in Applicants' claims 6 and 7. Therefore, even if those features may be found in Culy, the combination will not yield the invention described in claims 6 and 7 because those claims include the elements of claim 4 which are not found in Hayashi and/or Dean. Culy discloses an apparatus and method for natural language understanding and provides for parsing in conjunction with speech recognition.

Claims 14 and 15 stand rejected in view of Hayashi, Nemoto and Culy, Applicants traverse primarily because of their interpretation of the teachings of Hayashi. Even if the elements the Examiner finds in the other references were exactly as he asserts, the combination does not yield Applicants' invention as described in the rejected claims.

In summary, Applicants believe their claims patentably define over the prior art as applied by the examiner. Hayashi's translation communication apparatus does not anticipate Applicants' independent claims. Even if there was motivation for combining the other references with Hayashi, there is still not suggestion of Applicants' contribution of improving the user interface with automated computer systems by analyzing user language usage pattern preferences and using the result of that analysis thereafter to modify subsequent presentations to that user.

Applicants therefore respectfully request the Examiner to reconsider and withdraw his rejections.

Respectfully submitted,

Andrea Pair Bryant, Reg. No. 28,191  
Attorney for Applicants  
(512) 345-5806

Response to January 4, 2006 Office Action May 4, 2006

Page 3 of 7

BEST AVAILABLE COPY